

### REMARKS

The sole issue remaining in this case concerns the obviousness of claims 1-24, 26, and 28-30 in view of several references presently made of record in this case. While not conceding that the claims as filed are obvious over these references, in the interest of expediting prosecution, the present amendment more closely focuses the claimed invention on the "common virulence factor" concept, which the Examiner believes is a concept not presently claimed. As amended, the claims are now directed to cover applicants' technical breakthrough demonstrating the existence of common virulence factors that are used by pathogens to infect multiple hosts, which is nowhere taught or suggested by the references of record in this case. The § 103 rejection can now be withdrawn.

### CONCLUSION

Applicants submit that the claims are now in condition for allowance, and such action is respectfully requested. Enclosed is a petition to extend the period for replying for three months, to and including April 14, 2000. Also enclosed is a Notice of Appeal, in which applicants respectfully appeal the final rejection of the pending claims.

If there are any additional charges, or any credits, please apply them to Deposit

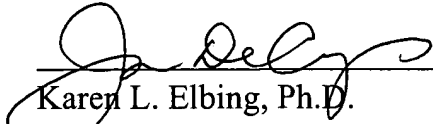
Account No. 03-2095.

Respectfully submitted,

Date: April 14, 2000

Clark & Elbing LLP  
176 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

00786.263003 Reply to OA mailed 10.14.99.wpd

  
\_\_\_\_\_  
Karen L. Elbing, Ph.D.  
Reg. No. 35,238  
*James DeCamp*  
*Reg. No. 43,580*